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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,786	01/11/2002	Sandra Lynn Carrico	2001-0416	3050

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,786

Applicant(s)

CARRICO ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment filed on October 07, 2005.

Claims 1-11 are pending examination

The Old Rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on July 7, 2005. Applicant's arguments with respect to claims 1-11 have been fully considered but they are not deemed to be persuasive and old rejection is maintained.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Murakawa U.S. Patent Application Publication No. U.S. 2001/0020273.

5. As to claim 1, Murakawa teaches a method of sending a packet from a first IPSec client to a second IPSec client, comprising the steps of:

receiving at a non-proprietary format tunneling protocol server from the first IPSec client an IPSec packet mapped in the non-proprietary tunneling format (see Fig. 1, Page 3, paragraph [0071]);

creating a non-proprietary format tunneling protocol tunnel to the second IPSec

client through the non-proprietary format tunneling protocol server (see Fig. 1, Page 3, paragraph [0072]);

establishing a security association between the first and second IPsec clients via the non-proprietary format tunneling protocol server (see Fig. 1, Page 3, paragraph [0072]);

transmitting the packet through the non-proprietary format tunneling protocol tunnel to the second IPsec client whereby the packet remains unaffected by any address translation or firewall traversal that may occur during transmission (see Fig. 1, Page 3, paragraph [0071]-[0075]).

6. As to claim 2, Murakawa teaches the method according to claim 1 wherein the non-proprietary tunneling protocol comprises a Layer-2 Tunneling Protocol (L2TP) protocol (see Fig. 1, Page 3, paragraph [0066]-[0067]).

7. As to claim 3, Murakawa teaches the method according to claim 2 wherein the receiving step includes the steps of:

opening an L2TP tunnel between the first IP client and the server; and communicating an IPsec packet wrapped in an L2TP format to the server (see Fig. 1, Page 3, paragraph [0071]-[0075]).

8. As to claim 4, Murakawa teaches the method according to claim 2 wherein the receiving step includes the step of routing an IPsec packet wrapped in an L2TP format to the server via a public address (see Fig. 1, Page 3, paragraph [0071]-[0075]).

9. The method according to claim 4 wherein the public address is supplied from the server to the first IPsec client (see Fig. 1, paragraph [0068]-[0075]).

10. As to claim 6, Murakawa teaches the method according to claim 5 wherein the step of creating a non-proprietary format tunneling protocol to the second IP sec client includes the step of providing to the second client a public address identifying the server (see Fig. 1, paragraph [0068]-[0075]).

11. As to claims 7-11, they contain similar limitations as in claims 1-6, therefore they are rejected under the same rationale.

Response to Arguments

12. Applicant's arguments with respect to claims 1-11 have been fully considered but they not deemed to be persuasive.

13. In the remarks, the applicant argues in substance that:

(A) Argument: Murakawa fails to teach a non-proprietary format tunneling protocol server that is capable of receiving from a first IPSec client an IPSec packet wrapped in the non-proprietary tunneling format.

Response: Murakawa teaches a method and apparatus used in a network environment configured by security gateway apparatus connecting a local area network (LAN) including a plurality of terminal devices, and a wide area network (WAN) typified by a public network. In such a network environment, the VPN communication method allows a terminal device outside a LAN to communicate with the security gateway apparatus via a WAN. L2TP is a standard tunneling protocol for VPN. The applicant discloses on page 3 of the remarks that L2TP is a non-proprietary format tunneling protocol. Murakawa utilizes VPN, which inherently uses the L2TP. Murakawa further teaches that PC 101 sends at least one packet to security gateway 103 through a VPN

(see Fig. 5) which uses the L2TP as the standard for tunneling and is encapsulated in the appropriate tunneling format and therefore, meets the scope of the claimed limitation.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2155

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
December 21, 2005



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER